

STATE OF MICHIGAN
COURT OF APPEALS

KAREN SUE DONNELLY,

Plaintiff-Appellee,

v

LAKESIDE MALL and ROUSE COMPANY,

Defendants-Appellants.

UNPUBLISHED

March 29, 2005

No. 252327

Macomb Circuit Court

LC No. 02-005835-NO

Before: Murray, P.J., and Markey and O'Connell, JJ.

MARKEY, J. (dissenting).

I find it totally absurd and troubling that the current state of the law in regards to premises liability compels my colleagues to conclude that a very large, deep pothole in a busy shopping mall parking lot is not an unreasonably dangerous condition. I do not criticize them for feeling so compelled, but I will not join them in this decision.

I would affirm.

/s/ Jane E. Markey